

Applicant : Xiaobin Zhao  
Serial No. : 09/920,286  
Filed : August 2, 2001  
Page : 4 of 5

Attorney's Docket No.: 09736-264001

### REMARKS

The Examiner rejected claims 1, 2, 4, 9, 12-15, 18-21, 24-26, 29, and 36, and objected to claims 5-8 and 11. Claims 1, 2, 4, 9, 12-15, 18-21, 24-26, and 29 have been canceled herein without prejudice. In addition, claims 5, 6, 8, and 11 have been rewritten in independent form to include all the limitations of their base claims and any intervening claims. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of claims 5-8 and 11.

#### Interview Summary

Applicant's attorney thanks Examiner Lewis for the courtesy of the telephonic interview conducted July 13, 2005. The substance of that telephonic interview involved a discussion of the Tomihata *et al.* reference and Applicant's arguments presented in Applicant's response filed April 22, 2005.

#### Rejection under 35 U.S.C. § 102(b)

The Examiner maintained the rejection of claims 1, 2, 4, 12, 13, 15, 18, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by the Tomihata *et al.* reference (*J. Biomed. Mat. Res.* 1997, 37:243-251). Applicant respectfully disagrees. The previously presented claims are not anticipated by the cited reference. To further prosecution, claims 1, 2, 4, 12, 13, 15, 18, 20, and 21 have been cancelled herein without prejudice. Thus, this rejection is moot.

#### Rejection under 35 U.S.C. § 103(a)

The Examiner maintained the rejection of claims 1, 2, 4, 9, 12-15, 18-21, 24-26, and 29 under 35 U.S.C. § 103(a) as being unpatentable over the Tomihata *et al.* reference in combination with U.S. Patent No. 5,690,961 (the '961 patent). Applicant respectfully disagrees. The combination of cited references does not render the previously presented claims obvious. To further prosecution, claims 1, 2, 4, 9, 12-15, 18-21, 24-26, and 29 have been cancelled herein without prejudice. Thus, this rejection is moot.

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Page : 5 of 5

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### Claim Objections


The Examiner objected to claims 5-8 and 11 as being dependent upon a rejected base claim. The Examiner stated that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 5, 6, 8, and 11 have been amended as suggested by the Examiner. Claim 7 depends directly from claim 5, which has been amended herein. Thus, claims 5-8 and 11 are in condition for allowance.

### **CONCLUSION**

Applicant submits that claims 5-8 and 11 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned attorney if such would further prosecution. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: August 17, 2005

  
J. Patrick Finn III, Ph.D.  
Reg. No. 44,109

Fish & Richardson P.C., P.A.  
60 South Sixth Street, Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

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